

Public Law 102-543
102d Congress

An Act

To establish the Keweenaw National Historical Park, and for other purposes.

Oct. 27, 1992

[S. 1664]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Michigan.
Conservation.
16 USC 410yy.

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) The oldest and largest lava flow known on Earth is located on the Keweenaw Peninsula of Michigan. This volcanic activity produced the only place on Earth where large scale economically recoverable 97 percent pure native copper is found.

(2) The Keweenaw Peninsula is the only site in the country where prehistoric, aboriginal mining of copper occurred. Artifacts made from this copper by these ancient Indians were traded as far south as present day Alabama.

(3) Copper mining on the Keweenaw Peninsula pioneered deep shaft, hard rock mining, milling, and smelting techniques and advancements in related mining technologies later used throughout the world.

(4) Michigan Technological University, located in the copper district, was established in 1885 to supply the great demand for new technologies and trained engineers requested by the area's mining operations. Michigan Technological University possesses a wealth of both written and photographic historic documentation of the mining era in its archives.

(5) Michigan's copper country became a principal magnet to European immigrants during the mid-1800's and the cultural heritage of these varied nationalities is still preserved in this remarkable ethnic conglomerate.

(6) The corporate-sponsored community planning in Calumet, Michigan, as evidenced in the architecture, municipal design, surnames, foods, and traditions, and the large scale corporate paternalism was unprecedented in American industry and continues to express the heritage of the district.

(7) The entire picture of copper mining on Michigan's Keweenaw Peninsula is best represented by three components: the Village of Calumet, the former Calumet and Hecla Mining Company properties (including the Osceola #13 mine complex), and the former Quincy Mining Company properties. The Village of Calumet best represents the social, ethnic, and commercial themes. Extant Calumet and Hecla buildings best depict corporate paternalism and power, and the themes of extraction and processing are best represented by extant structures of the Quincy Mining Company.

(8) The Secretary of the Interior has designated two National Historic Landmark Districts in the proposed park area, the Calumet National Historic Landmark District and the Quincy Mining Company National Historic Landmark District.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve the nationally significant historical and cultural sites, structures, and districts of a portion of the Keweenaw Peninsula in the State of Michigan for the education, benefit, and inspiration of present and future generations; and

(2) to interpret the historic synergism between the geological, aboriginal, sociological, cultural technological, and corporate forces that relate the story of copper on the Keweenaw Peninsula.

16 USC 410yy-1. SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) “Commission” means the Keweenaw Historic Preservation Advisory Commission established by section 9.

(2) “park” means the Keweenaw National Historical Park established by section 3(a)(1).

(3) “Secretary” means the Secretary of the Interior.

16 USC 410yy-2. SEC. 3. ESTABLISHMENT AND ADMINISTRATION OF PARK.

(a) ESTABLISHMENT AND ADMINISTRATION.—(1) There is hereby established as a unit of the National Park System the Keweenaw National Historical Park in and near Calumet and Hancock, Michigan.

(2) The Secretary shall administer the park in accordance with the provisions of this Act, and the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) BOUNDARIES AND MAP.—(1) The boundaries of the park shall be as generally depicted on the map entitled “Keweenaw National Historical Park, Michigan”, numbered NHP-KP/20012-B and dated June, 1992. Such map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior, Washington, District of Columbia, and the office of the village council, Calumet, Michigan.

(2) Within 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries established under paragraph (a)(1).

Federal
Register,
publication.

16 USC 410yy-3. SEC. 4. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary is authorized to acquire lands, or interests therein, within the boundaries of the park by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) STATE PROPERTY.—Property owned by the State of Michigan or any political subdivision of the State may be acquired only by donation.

(c) CONSENT.—No lands or interests therein within the boundaries of the park may be acquired without the consent of the owner, unless the Secretary determines that the land is being developed, or is proposed to be developed in a manner which is detrimental to the natural, scenic, historic, and other values for which the park is established.

(d) **HAZARDOUS SUBSTANCES.**—The Secretary shall not acquire any lands pursuant to this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)).

SEC. 5. COOPERATION BY FEDERAL AGENCIES.

16 USC 410yy-4.

(a) Any Federal entity conducting or supporting activities directly affecting the park shall—

(1) consult, cooperate, and, to the maximum extent practicable, coordinate its activities with the Secretary and the Commission;

(2) conduct or support such activities in a manner that—

(A) to the maximum extent practicable, is consistent with the standards and criteria established pursuant to the general management plan developed pursuant to section 6; and

(B) will not have an adverse effect on the resources of the park; and

(3) provide for full public participation in order to consider the views of all interested parties.

SEC. 6. GENERAL MANAGEMENT PLAN.

16 USC 410yy-5.

Not later than 3 fiscal years after the date of enactment of this Act, the Secretary shall prepare, in consultation with the Commission, and submit to Congress a general management plan for the park containing the information described in section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)). Such plan shall interpret the technological and social history of the area, and the industrial complexes of the Calumet and Hecla, and Quincy Mining Companies, with equal emphasis.

SEC. 7. COOPERATIVE AGREEMENTS.

16 USC 410yy-6.

The Secretary, after consultation with the Commission, may enter into cooperative agreements with owners of property within the park of nationally significant historic or other cultural resources in order to provide for interpretive exhibits or programs. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to such property at specified, reasonable times for purposes of viewing such property or exhibits, or attending the programs established by the Secretary under this subsection; and

(2) the Secretary, with the agreement of the property owner, may make such minor improvements to such property as the Secretary deems necessary to enhance the public use and enjoyment of such property, exhibits, and programs.

SEC. 8. FINANCIAL AND TECHNICAL ASSISTANCE.

16 USC 410yy-7.

(a) **IN GENERAL.**—The Secretary may provide to any owner of property within the park containing nationally significant historic or cultural resources, in accordance with cooperative agreements or grant agreements, as appropriate, such financial and technical assistance to mark, interpret, and restore non-Federal properties within the park as the Secretary determines appropriate to carry out the purposes of this Act, provided that—

(1) the Secretary, acting through the National Park Service, shall have right of access at reasonable times to public portions of the property covered by such agreement for the purpose

of conducting visitors through such properties and interpreting them to the public; and

(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to the agreements.

(b) **MATCHING FUNDS.**—Funds authorized to be appropriated to the Secretary for the purposes of this section shall be expended in the ratio of \$1 of Federal funds for each \$4 of funds contributed by non-Federal sources. For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. Donations of land, or interests in land, by the State of Michigan may be considered as a contribution from non-Federal sources for the purposes of this subsection.

16 USC 410yy-8. **SEC. 9. KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.**

(a) **ESTABLISHMENT AND DUTIES.**—There is established the Keweenaw National Historical Park Advisory Commission. The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 6;

(2) advise the Secretary on the development of and priorities for implementing standards and criteria by which the Secretary, pursuant to agreements referred to in sections 7 and 8, will provide financial as well as technical assistance to owners of non-Federal properties within the park;

(3) advise the Secretary on the development of rules governing the disbursement of funds for the development of non-Federal properties;

(4) advise the Secretary with respect to the selection of sites for interpretation and preservation by means of cooperative agreements pursuant to section 7;

(5) assist the Secretary in developing policies and programs for the conservation and protection of the scenic, historical, cultural, natural and technological values of the park which would complement the purposes of this Act;

(6) assist the Secretary in coordinating with local governments and the State of Michigan the implementation of the general management plan, and furthering the purposes of this Act;

(7) be authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the park, surrounding areas, and on the Keweenaw Peninsula; and

(8) be authorized to seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source, consistent with the purposes of this Act and the park management.

(b)(1) The Commission may acquire real property, or interests in real property, to further the purposes of the Act by gift or devise; or, by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, to further the purposes of this Act.

(2) For the purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(3) Any real property or interest in real property acquired by the Commission shall be conveyed by the Commission to the National Park Service or the appropriate public agency as soon as possible after such acquisition, without consideration, and on the condition that the real property or interest in real property so conveyed is used for public purposes.

Real property.

(4) The value of funds or property, or interests in property, conveyed to the National Park Service by the Commission may be considered as non-Federal, at the Commission's discretion.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of seven members appointed by the Secretary, of whom—

(A) two members shall be appointed from nominees submitted by the Calumet Village Council and the Calumet Township Board;

(B) one member shall be appointed from nominees submitted by the Quincy Township Board and the Franklin Township Board;

(C) one member shall be appointed from nominees submitted by the Houghton County Board of Commissioners;

(D) one member shall be appointed from nominees submitted by the Governor of the State of Michigan; and,

(E) two members who are qualified to serve on the Commission because of their familiarity with National Parks and historic preservation.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members to serve a term of 3 years.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) TERMS OF SERVICE.—

(A) IN GENERAL.—Each member shall be appointed for a term of 3 years and may be reappointed not more than three times.

(B) INITIAL MEMBERS.—Of the members first appointed under subsection (b)(1), the Secretary shall appoint—

(i) two members for a term of 1 year;

(ii) two members for a term of 2 years; and

(iii) three members for a term of 3 years.

(5) EXTENDED SERVICE.—A member may serve after the expiration of that member's term until a successor has taken office.

(6) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or a majority of the members of the Commission.

(7) QUORUM.—Five members shall constitute a quorum.

(d) COMPENSATION.—Members shall serve without pay. Members who are full-time officers or employees of the United States, the State of Michigan, or any political subdivision thereof shall receive no additional pay on account of their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commis-

sion, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(g) **STAFF.**—The Commission may appoint and fix the pay of such personnel as the Commission deems desirable. The Secretary may provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties, on a cost reimbursable basis. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this section. The Secretary may accept the services of personnel detailed from the State of Michigan or any political subdivision of the State and reimburse the State or such political subdivision for such services. The Commission may procure additional temporary and intermittent services under section 3109(b) of title 5 of the United States Code, with funds obtained under section 9(a)(6), or as provided by the Secretary.

(h) **HEARINGS.**—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

16 USC 410yy-9.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out this Act, but not to exceed \$5,000,000 for the acquisition of lands and interests therein, \$25,000,000 for development, and \$3,000,000 for financial and technical assistance to owners of non-Federal property as provided in section 8.

(b) There are authorized to be appropriated annually to the Commission to carry out its duties under this Act, \$100,000 except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

Approved October 27, 1992.

LEGISLATIVE HISTORY—S. 1664:

SENATE REPORTS: No. 102-480 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 138 (1992):

Oct. 1, considered and passed Senate.

Oct. 5, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Oct. 27, Presidential statement.